No. XII OF 1951.

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*THE HYDERABAD HIGH COURT (ABOLITION OF ORIGINAL JURISDICTION) ACT, 1951.

No. XII OF 1951.

Whereas it is expedient to abolish the original civil and criminal jurisdiction of the Hyderabad High Court;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad High Court (Abolition of Original Jurisdiction) Act, 1951.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force on the date of its publication in the Jarida.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "original civil case" includes a civil suit, and an application for execution of a decree and any application or objection connected therewith; and

(2) "High Court" means the Hyderabad High Court.

Abolition of the Original Jurisdiction of the High Court.

3. (1) The original civil and criminal jurisdiction of the High Court is hereby abolished:

Provided that notwithstanding the abolition of such jurisdiction, the trial of the original cases, civil and criminal , in which the hearing commenced before this Act comes into force shall, unless the Chief Justice directs that the case shall be transferred to the City Civil Court, or as the case may be, to the Court of the Sessions Judge at Secunderabad, be continued and disposed of by the High Court as if this Act had not been passed.

(2) Nothing in sub-section (1) shall be construed as preventing the High Court from transferring to itself for trial any original case, civil or criminal, pending in another court which the High Court may be competent so to transfer under any law for the time being in force.

(3) When the High Court transfers to itself for trial any original civil or criminal case pending before another court it shall observe the same procedure as that court would have observed if the case had not been so transferred.

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* Published in Extraordinary Gazette No. 15, dated 26th March, 1951.

Transfer of cases pending in the High Court at the commencement of this Act.

4. (1) Subject to the proviso to sub-section (1) of section 3, the original civil and criminal cases pending before the Original Bench of the High Court at the commencement of this Act shall be transferred to other courts, as follows :—

(*a*) Original civil cases, shall be transferred to the City Civil Court;

(*b*) Original criminal cases shall be transferred to the Court of Sessions Judge at Secunderabad;

and the City Civil Court, and the Court of Sessions Judge at Secunderabad shall have jurisdiction to hear and dispose of the cases so transferred to them according to their own procedure.

(2) Notice of the transfer shall be published in the Jarida, and in such other manner as the Chief Justice may direct.

Institution after the commencement of this Act of civil and criminal cases which would have been triable by the Original Bench of the High Court.

5. After the commencement of this Act, original civil and criminal cases which, if this Act had not been passed, would have been instituted in or committed to the High Court, and tried by the Original Bench thereof, shall—

(*a*) if they are original civil cases, be instituted in the City Civil Court; and

(*b*) if they are original criminal cases, be instituted in or committed to the Court of the Sessions Judge at Secunderabad.

Inconsistency with other laws.

6. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in the provisions of any other law for the time being in force.

Amendments in certain enactments.

7. The enactments mentioned in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

SCHEDULE.

(*See section 7*).

Year	Number	Short title	Amendments
1	2	3	4
1344 Hijri	..	The Royal Charter constituting the High Court.	(*a*) For clause 7, the following clauses shall be substituted, namely :— "7. The judicial powers of the High Court shall be exercisable in respect of appeals, revisions and references including cases transferred to itself under any law for the time being in force." (*b*) Clause 8 shall be omitted. (*c*) In clause 14 the figure "8" shall be omitted.
1324 Fasli.	II	The Hyderabad Civil Courts Act.	For sub-clause (*a*) of clause (2) of section 9, the following sub-clauses shall be substituted, namely :— "(*a*) First Judge, unlimited ; (*aa*) Second Judge, up to twenty thousand rupees or equivalent value ;".
1337 Fasli.	III	The Hyderabad High Court Act.	(*a*) Chapter II shall be omitted. (*b*) For section 6, the following section shall be substituted, namely :— "6. All cases falling within the jurisdiction of, and triable by the High Court, shall be placed before the Divisional Bench, with the exception of the cases which the Full Bench, or the Single Bench is by this Act empowered to try." Cases triable by the Appellate Bench (*c*) The Explanation in section 11 shall be omitted.

SCHEDULE—(*contd.*).

Year	Number	Short title	Amendments
1	2	3	4
			(*d*) Clause (11) of section 13 shall be omitted. (*e*) For clause (6) of section 14-(*a*), the following clause shall be substituted, namely :— "(6) to organise sittings of the Single, Appellate and Full Benches, and fix the number of Judges to preside at each Bench ; and to determine which Judge shall work at each Bench and for what period ;". (*f*) For section 21, the following section shall be substituted, namely :— "21. The Registrar and the Assistant Registrar in charge of work connected with the Appellate side shall be competent to sign decrees passed by the Single Bench, the Appellate Bench or the Full Bench of the High Court." Power to sign Decrees, etc.